

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
vs.)	CRIMINAL ACTION 08-00256-KD
)	
BARRY SULLIVAN,)	
)	
Defendant.)	

ORDER

This matter is before the Court on defendant's motion for expert services and amended motion (docs. 86, 94). Defendant moves the court for authorization of funds in the amount of \$1,200.00 to obtain a expert services to review and analyze a computer floppy disc.

A defendant who is financially unable to obtain expert services may file an ex parte application for those services at the government's expense. 18 U.S.C. § 3006A(e)(1). The record indicates that defendant does not have the financial ability to obtain expert services. Defendant submitted a financial affidavit indicating that he was financially unable to obtain counsel and counsel was appointed to represent him (docs. 14, 21). The record also indicates that defendant has been in custody since at least August 12, 2008, when an order of temporary detention was entered (docs. 10, 78).

Title 18 U.S.C. § 3006A(e)(3) also provides, in relevant part, that

[c]ompensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed \$1,600, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate judge if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and

the amount of the excess payment is approved by the chief judge of the circuit.

18 U.S.C. § 3006A(e)(3).

The amount requested, \$1,200.00, does not exceed \$1,600.00. Therefore, certification by the chief judge of the circuit is not necessary.

Accordingly, the undersigned finds that defendant is financially unable to obtain expert services and that the services he seeks to obtain are estimated to cost less than \$1,600.00.

Therefore, upon consideration, defendant's motion for expert services is **GRANTED**.

DONE and **ORDERED** this 31st day of December, 2008.

s / Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE